

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: B. Braun Melsungen Aktiengesellschaft

Serial No.: 75/574,203

Filing Date: October 20, 1998 Class(es): 05, 10

Mark: ECOFLAC

Examiner: Lesley LaMothe Law Office: 103

Issue Date of Notice of Allowance: July 4, 2000

--
January 3, 2001 BRA871R1

RESPONSE TO THE NOTICE OF ALLOWANCE

Box ITU / NO FEE

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

SIR:

This is in response to the Notice of Allowance mailed on July 4, 2000 and setting a statutory period for response of six months to expire on January 4, 2001.

Please delete from the present application the applicant's claim of a bona fide intention to use the mark in commerce under Trademark Act section 1(b), 15 USC Section 1051(b) without prejudice to its reintroduction at a later point in time.

REMARKS

The applicant has filed the present trademark application relying on its claim of a bona fide intention to use the mark in commerce under Trademark Act section 1(b), 15

USC Section 1051(b), and on a foreign registration under Section 44(e), 15 U.S.C. Section 1126(e).

The foreign registration alone may serve as the basis for obtaining an U.S. registration resulting from this application.

As set forth above, the applicant wishes to cancel the "bona fide intention to use" (Section 1(b)) basis from the present application without prejudice to its reintroduction at a later point in time, and rely solely on the foreign registration (Section 44(e)).

Therefore, the applicant respectfully requests a registration of the above identified trademark based on the prior foreign registration (Section 44(e)), i.e. Foreign Registration Number: **396 42 253**, Registration Date: **December 4, 1996**, Country of Registration: **Federal Republic of Germany**.

Furthermore, the applicant respectfully submits that the Certified Copy of the aforementioned foreign Registration Certificate accompanied by its English translation was filed with the United States Patent and Trademark Office on October 20, 1998.

It is believed that the response fully answers all the requirements of the Notice of Allowance.

Reconsideration of applicant's registration request is respectfully requested.

Respectfully submitted,

B. Braun Melsungen Aktiengesellschaft

By:



Horst M. Kasper, its attorney,
13 Forest Drive, Warren, NJ 07059
Tel.: (908) 757-2839; Reg.No. 28,556
Attorney's Docket No.: BRA871

*%Pt8:TAMEND(BRA871R1(Jan. 3, 2001(tm-370